A Strategy for Recovering Salmon in Puget Sound

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What I would like to do this afternoon for a few minutes is talk to you about an effort currently going on here in the Puget Sound to coordinate the activity necessary to cause salmon to be recovered. There are a lot of things I could talk to you about. I know that this conference of the Puget Sound Water Quality Action Team is involved in things that go beyond salmon. I'm personally not sure anything goes beyond salmon, but obviously trying to restore the whole ecosystem that we call Puget Sound takes us beyond any single denizen of the Sound. In order to not get lost in the details or in the magnitude of what you are doing, I was trying to figure out how to limit what I have to say.

I was looking at the agenda you all have been covering over the last couple of days. It certainly is broad: restoration projects…to watershed assessment…to shoreline modifications…to storm water problems…to climate-related effects…even six-gill sharks. And I thought, in fact, if your agenda were restricted only to salmon, you could have covered just as many topics and, in fact, more. Yet what would have been missing would really have been the same thing. It's an answer to the question: How does all of this fit together? What is it we are trying to do here? What are our goals? And what are the tools that we have to achieve them? Who is in charge? Or as my friend Billy Frank would say, "Who the hell's in charge?"

Somehow, we have to make sense out of all of this positive, useful, well-meaning activity. It has to come together somewhere and result in a positive achievement for the Sound and the fish—the salmon.

I think, in the case of the salmon, that help is on the way. Let me tell you why.

When I first became acquainted with the complexity of the salmon issue it was when I was appointed by President Clinton as an envoy from this country to help negotiate with the Canadian issues regarding the Pacific Salmon Treaty. The issues were extraordinarily complex. They had defied solutions for many years. And after the regimes that had been put in place to allocate the fish under the 1985 treaty began to run out, it proved impossible for the two countries to come together and put new allocation systems in place. It was clear to me that while both countries had laws, and a treaty that was supposed to work within them, these national laws were not passed with the other country in mind. In fact, the laws within our country were not passed with the salmon in mind. If the principal laws, at the national level, affecting our efforts to recover salmon were the Endangered Species Act and the Clean Water Act, the people who wrote those laws, who voted for them, that applauded when they were passed, did not have in mind a problem like many species of salmon occupying common salt and fresh waters running through suburban, urban, agriculture, forested areas as they moved from the spawning beds to the ocean and back to spawn. Those laws were not passed with this kind of problem in mind. And yet they are the principal mechanisms we are using to try to help recover these fish.

The difficulties between the U.S. and Canada were really no worse than the ones we have internal to this state, or between this state and states to the south or west, when it comes to managing this fishery in a way that makes sense for the fish and for the prosperity of the people that live in the area.

So, a little over a year ago—about a year and a half ago—former Governor Dan Evans and I invited some 200 people from around Puget Sound to a meeting at Port Ludlow. Those invited either had responsibilities for helping the fish or were going to be heavily impacted by whatever regulatory regime was put in place. We asked them to think about whether it was possible to come up with a strategy for recovering the fish that would take into account the well being of the fish and other social values as well.

Most of the people that were invited showed up. At the end of the conference, which lasted a couple of days, everybody agreed, "Yes, we need a strategy. This thing needs to be coordinated. It's even more

complex that we thought before we arrived. So go do it—go off and come back later on with a recommendation for how we proceed." This assignment was given to the government officials at all levels including the tribes.

Well, we were all excited about our task, and we spent about a year and three months coming up with a recovery strategy, which was exactly nine months longer that we had anticipated when we started.

The "we" included, the head of the Fish and Wildlife Department at the state and federal level; Curt Smitch from the governor's salmon office; Will Stelle and Donna Darm from the National Marine Fisheries Service; Billy Frank and several tribal representatives; Ron Sims, the county executive from this County (King County); and Chris Andresen who is a county commissioner from Kitsap County.

We met for a year and three months about every other week. The first three months we got absolutely nowhere in trying to develop a recovery plan. Usually somebody would start out the meeting by saying, "Under whose auspices are we here?" And we would say, "We are here voluntarily. Nobody needs to stay, nobody can force you to stay, if you want to walk out you can and, by the way, if you think you can bring these fish back by yourself without coordinating what you are doing, with everybody else, why, go ahead and leave."

Well, usually they would sit down after that speech and say, "Well, that's obvious." So we got over that stage. And people began to see that if indeed we could develop a logical process for creating a recovery plan—what the National Marine Fisheries Service is mandated to do under the Endangered Species Act—if we could develop a several-step process to create a recovery plan…and, if we could recommend an institution to both create the plan and help in its implementation, then we would have done something significant.

So, what we did is create this strategy. It's still in draft form and probably will be for the next 10 years. And I say that, not trying to be facetious, because this has to be a work in progress. It can't be something you can ever say, finally, we've got it exactly right. But certainly, we can get much closer than we now are to having a logical plan that is in place, that gives assignments to people at every level of government, to citizens, and to people working in the watersheds. All of these things can be laid out and it can be clear to everybody; clearer certainly than it now is…what it is we are trying to achieve, and the steps necessary to get from here to there. That would be a huge step forward.

So when we completed this version of the plan, we sent it around to 600 people in Puget Sound and asked them for their reaction to it. Subsequently, we invited people to come back to Port Ludlow, where we had held the first meeting, for another look at this draft plan, to see if they thought we were on the right track on the institutional front. We created a steering committee, which would in turn appoint an executive committee, to both assist in the development of the plan itself and then help in its implementation.

No one can adopt or implement a recovery plan without authority. The ultimate authority under the Endangered Species Act, is with the National Marine Fisheries Service. The other laws that I've mentioned lodge with authorities in the agencies implementing them. There are treaty rights—that stretch back more than 150 years—that have been successfully asserted in court. The precise description of those rights is not yet finally settled. Nobody is suggesting that the tribes who possess those rights, or the federal government, which in many cases acts as a trustee to ensure those rights are enforced, gives up those rights or responsibilities.

But, there is an awful lot that can be done by people possessing separate responsibilities if they pull together and coordinate their activity toward a common set of goals and a common end.

My own strong belief is: if we don't do that we have no chance of successfully helping the salmon to recover. We can do some good things, here and there. We can perform some useful projects and better understand and describe the problem, but in terms of being able to look somebody in the eye and honestly say we have taken the steps necessary to accommodate the regions economic or social interests to the interest of the fish—we can't do that absent a coordinated effort.

Much of what we were trying to do in coming together at Port Ludlow II was to answer the question that I have posed at the beginning: **How can we develop a strategy to help the fish recover?**

I would be less than candid if I were to say we all went out of that meeting of one mind. We all said we did. But getting people to change the way in which they operate so as to benefit the whole is a very difficult thing to do. We human beings don't take to that kind of direction very easily. However, the evidence, that if we don't pull together, we can't succeed, is so overwhelming I think most everyone involved recognized that some strategy and a mechanism to implement it was absolutely necessary.

We saw that the answer to Billy Frank's question, about who is in charge, really, in the last analysis, was us. It was the people of Puget Sound. If we don't take this responsibility on our own shoulders and take the steps to ensure that these fish have a chance to recover, we are losing a real opportunity. And, if we didn't take on that responsibility, it was also clear nobody else was going to do it. So we all signed on to a strategy. Essentially, it's a five-step process to develop a recovery plan and to create a mechanism to assist in its implementation.

It's really pretty simple. We're trying to provide a system from birth to spawning and death that will ensure the healthy survival of salmon. So that when we are finished implementing the plan, the National Marine Fisheries Service can say these fish have recovered. We'll de-list them. We'll take them off the threatened or endangered list. And the tribes will be able to say there are ample fish here for harvest.

Please remember, we were there because of the Endangered Species Act. People shake their fist at the Endangered Species Act and say what a blunt instrument it is. "It doesn't make any sense in the way it works." That we have listed 1,700 species for recovery since the Endangered Species Act was enacted back in 1973. Most of those species have been plants. We certainly have gone beyond the bald eagle and the grizzly bear…the kinds of things people had in mind when the Endangered Species Act was passed back some 30 years ago. There is no doubt we have interpreted it well beyond what the original intent of its drafters was.

But let's make no mistake about it, the salmon have been in trouble and declining for a long time. And while we've done some things to help them; we haven't done nearly enough to match the magnitude of the problem. And the one thing that has galvanized action is the Endangered Species Act. It's a point that is often missed.

The watershed groups are crucial to bringing the fish back. In my view, we are not going to make it unless we can enlist the energy and enthusiasm that exists in watersheds throughout this state. Give them a set of tools and authorities necessary to restore habitat—to house the number of fish necessary for their sustained health.

If we don't do anything and we don't get enough action necessary to meet the dimensions of the problem, the fish will continue to decline. That's why the enforcement power that overlays the Endangered Species Act is so important for the people who want to do the right thing.

Enforcement is absolutely essential for us, all of us, to create the proper public motivation to give the fish a chance of surviving. For people to come together and reason through the nature of the problem they face and then take the appropriate steps to move forward, will not happen, absent some sort of "gorilla in the closet." It's an art form as to when you bring the gorilla out. Usually you just open the slat a little bit. Then, when he growls, you shut it again. It's enough that the gorilla is there, and if you bring him out too many times, why, he may not survive either—as we've seen in this state too often.

Well, we need a number of things to make this strategy work and to make recovery a reality. Let me mention just four that are essential to get going.

FIRST. We need goals and we don't have them yet. Goals for the Chinook, in Puget Sound. How many fish do we think we need over what space and time in order for the National Marine Fisheries Service to responsibly say these fish are recovered?

We don't know the answer to that question. There are two goals-setting processes going on: one, the State Fish and Wildlife Department and the tribes; and another by the Federal Technical Review Team (TRT) at the Puget Sound level.

The goal-setting processes need to accelerate, and they need to be harmonized, and they need to be actionable. They need to be goals that cause the people who live in the watersheds, who are trying to restore habitat; for instance, to act. The goals are the number of fish we need to get back on a watershed-by-watershed basis.

Let's say we need 100,000 fish in Puget Sound—that's a hypothetical number—in order for the National Marine Fisheries Service to declare the fish are no longer threatened. Over what number of watersheds should those fish be spread? How much time should we monitor that level of fish in order to be satisfied we have enough back? Each watershed has to have a numerical goal that can be translated into habitat needs to support that number of fish.

Those of you who are scientists in the audience know that the connection between habitat and numbers of fish is not as precise as we would like. There isn't a perfect tool to get that done, but we did hear in Port Ludlow II of a number of efforts currently going on, some of which are quite promising, where that connection can be made. And it can be made close enough. We don't need perfection. If we don't translate the fish number into habitat needs, we don't have an actionable goal. And a goal that isn't actionable isn't worth much. That's what we need, and that's what the two goal-setting efforts are trying to harmonize.

In fact, we're meeting tomorrow in Olympia with the people that are trying to establish those goals to be more precise about what we can tell people who are in the watersheds, what is coming and when they are going to get it.

Now, why? What is it about these watershed groups that are so important? Well if you go back to when EPA was created, which I do—31 years ago, the first water quality survey that we made nationwide, estimated that 80 percent of the problem was point source pollution problems—big sewage treatment plants, industrial discharges—that were going directly into the waterways. These were big visible, smell-touch-and-feel kind of pollution problems that gave rise to the first public outcry that something needed to be done about pollution in this country and needed to be done at the national level. It gave rise to the National Clean Air Act and the Clean Water Act. The perception at the national level was that the states competed so hard for the location of industry within their borders that they were lousy regulators, that they could not stop all of these big point sources because they were too interested in having the industrial and municipal dischargers, not be overburdened by too much expense.

So we centralized all the responsibility for correcting point source pollution. Well, here we are 31 years later, and EPA's latest estimate is that 85 percent of the problem is nonpoint source pollution and 15 percent is point source. There are a number or reasons for that, but the central one is that we created a national permit system for everyone who discharges from a point source. The permit spelled out what the elements of that discharge could be in order for them to continue to operate. The permit system has had an enormous beneficial effect, on reducing pollution from point sources and improving the quality of our water.

We don't have a permit system for nonpoint source, and none are in the offing. Nonpoint source runoff is all the rest of us. It's diffuse. It comes from agricultural areas, urban streets, and suburban lawns. There are as many different descriptions and definitions of nonpoint source pollution as there are people around who are generating the stuff that ends up in waterways. And just as we have the capacity through the use of command and control and enforcement to reduce the amount of pollution coming from point sources, we don't have such a system for nonpoint source. Essentially the problem of salmon habitat is a nonpoint source pollution problem. And getting people to change the way in which they operate their farms, what

they do on their own lawns, how they operate storm sewers in cities, etc…those things are hard to get people to do.

Even though there are more lawyers than fish in Puget Sound, we can't sue everybody, to force them to do it. What I have become convinced of over the years, is that unless we can figure out a way to get people enthusiastic about changing their habits, and back them up, support them, give them the right kind of incentives, we can't make it. And no matter how frustrating it may make you feel to see somebody doing the wrong thing—in some areas there are thousands of people doing the wrong thing—we've got to make it clear what the right thing is. And then give them the proper kinds of incentives and encouragement to do the right thing.

Well, the people in the watersheds…you can't just cut them loose, you can't just say, "Go do some good things about fish." That's what they'll do: **some** good thing about fish. The trouble is, it won't necessarily be the right things and it won't necessarily be in the right sequence.

SECOND. We need assessment methodologies that we can give people in watersheds that are common throughout the state, so they are all using the same process. It won't be perfect; again, we can't let imperfection stop us from moving forward. It can be good enough.

The state has said that by the end of this month they are going to have a common methodology that can be used throughout Puget Sound for people to make assessments of their watersheds to tell them what are the major problems they are facing and in what sequence they should try to correct those problems so as to maximize the benefit for fish. If we have that tool, and we say, if you do the assessment in your watershed and your projects come up through an inclusive citizen committee at the Salmon Recovery Funding Board (SRFBd.), we'll fund them. We won't mess around with your priorities. We'll leave your priorities right where they are, because who knows better what those priorities should be, than you living in the watershed.

We need a system and a process, which serves up the best projects available, and for that we need a common assessment methodology.

THIRD. We need monitoring. You've talked about that here at this conference. I'm testifying next week before the State Legislature, and I'm sure someone will say, "How do you know you're getting anywhere with this money you're spending?" And my response now will be, "It's too early." And if we don't have any more monitoring than we do today, at some point, I'll have to say, "I can't tell whether we are getting anywhere." There is no excuse for that. Eventually, the Legislature will say, "I'm not going to give you any more money until you can tell us whether, in fact, you're getting anywhere against the problem that the money is being spent for." That takes a systematic monitoring system.

We do have monitoring systems for the projects themselves. At the SRFBd., we insist that the people who put the projects in front of us do the monitoring and come back to us and tell us the projects work for the purpose for which they were funded. We have no monitoring system that is common for watersheds. We don't know whether the watersheds are better off for fish as a result of the money that's been spent there already, because we don't have the data. And we certainly don't have the data resulting from a consistent monitoring system for Puget Sound.

The Independent Science Panel that the Governor appointed a year and a half ago, pointed out that we need a monitoring plan in a report that came out the end of December. It's hard money to get. You can spend money until the world looks level on monitoring and still ask for more and still probably need more, but again—the perfect can be the enemy of the good. What we need is a system that gives us the kind of data where you can look somebody in the eye who has appropriated money and authorized you to spend it on behalf of the taxpayers and say, "We're getting real return for the purpose for which this money was appropriated." Without monitoring we can't say that.

FOURTH. We need a common database. We've got databases all over the place in Puget Sound. They are held by academic institutions, scientific groups, private groups, tribes, cities, state, federal government. Nowhere are they all pulled together. And by data, I mean everything. If you want to find out where the

SRFBd. has spent money over the last year and a half to try to restore fish. You should be able to find it. Also, what kind of projects was it spent on? And if there is an assessment in that watershed that would dictate where that money should be spent? What does the assessment look like? What is the data that we have on near shore problems in Puget Sound that ought to be addressed?

Everything ought to be in this database so that anybody that goes to it can, in a very user-friendly way, punch the right kind of button and get this data in the most usable form possible. It can be done. There is a huge amount of data that exists about the problems in Puget Sound, as they relate to water quality or the ecosystem or fish. It's just a question of pulling all of this together.

Now, again, the Governor's salmon office has committed to do this. They have created a program called SWIM. The purpose of it is to pull all of this data together in a common database. I don't frankly care where it is, but it needs to be somewhere. And there are a lot of volunteers to take it on. There are considerably fewer volunteers willing to give up their data to a common database, without any strings attached. But, that's what needs to be done if we are going to be able to go to a central place to get the same set of facts. You can't do that now.

We have to have harvest data in there, hatchery data. Everything that has to do with fish needs to be in this common database. I think we would all be very surprised at how much progress the existence of that information base itself would cause to happen. And it simply doesn't exist today.

Well, I could go on. That's four things we need. It's not all we need by any means, but it's a good start. We'd make real progress if we had just those four. Let me just close by first of all commending the sponsors of this conference for pulling everybody together. And those of you who have been laboring in this field for years for the efforts that you have made. I'm sure a question that occasionally occurs to you, assuming that you're human is: "Why am I doing this? Why am I spending so much of my time worrying about fish, not doing something different? Why is it important?" I think the resource represented by salmon here in the Northwest is terribly important, and it's important that we be successful in restoring it to the appropriate level of health at a reasonable cost and with a reasonable adjustment on the part of us humans, who have caused the problem.

I'm not saying there aren't ocean conditions and other issues associated with salmon decline that have nothing to do with humans, but the lack of fundamental health, I think can be laid at our feet. And, therefore, it is important for us to take steps necessary to restore fish health. Salmon is simply one of hundreds of problems the world is going to face in this current century. Here we are, the largest, most powerful, most wealthy nation on earth, sharing the border to the north of some 3,000 miles with a country we have extremely friendly relations with. If we can't solve a problem whose dimensions we sufficiently understand, then how can this country attempt to show the way to the rest of the world about how to solve far more complex problems that involve far more countries with much different systems in the decades to come?

The march of freedom, whether political or economic, is probably at an historic peak, in the sense that more people either embrace or wish their countries would embrace free political and economic institutions. The unanswered question about those institutions is, can they successfully grapple with chronic problems, before they become acute, and therefore threaten freedom itself? Can we grapple with these problems within the context of freedom? I think that's an open question. But it's a terribly important question for people in this country who cherish freedom so dearly. We hope the rest of the world ultimately repairs to our belief and supports free institutions. It's our time on the world stage. If we can't use these institutions to successfully solve problems like fish survival, then why should anybody else adopt them? I think we have a limited time to show that we are capable of doing this and I think this is the kind of problem that we should be able to point to as a country with pride and say we've seen the problem, we addressed it successfully, and we did it with free people acting through free institutions. That's why I think its important and that's why I think what all of you are doing is so admirable. Thank you very much.